

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALONZO MOREFIELD, JR., *
PLAINTIFF

vs.-

KATHY HOLT,
Defendant.

*

*

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~~2:07-CV-805-MHT~~

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

OBJECTIONS TO THE RECOMMENDATIONS

PLAINTIFF MOTION FOR PRELIMINARY INJUNCTION UNDER RULE 65 Fed. R. CIV. P. IS BEFORE THIS COURT FOR REVIEW. PLAINTIFF HAVING RECEIVED THE COURT'S RECOMMENDATIONS SUBMIT THE FOLLOWING OBJECTIONS.

PLAINTIFF RECOGNIZES THAT HE OMITTED THE FOUR PREREQUISITES RELATING TO GRANTING ANY PRELIMINARY INJUNCTION. PLAINTIFF ADDRESSES THOSE FOUR PRONGS AS FOLLOWS;

1. SUBSTANTIAL LIKELIHOOD OF SUCCESS

WITHIN PLAINTIFFS INITIAL 1983 COMPLAINT, A PRIMA FACIE SHOWING IS PRESENTED ON THE MERITS. GIVEN THOSE FACTS, PLAINTIFFS LIKELIHOOD OF SUCCESS IS FORMITABLE. THE MERITS ARE CLEAR, PLAINTIFF DECLARES SAID ACTIVE DETAINER BY DEFENDANT IS UNWARRANTED. GIVEN THE LENGTH OF PLAINTIFFS GEORGIA SENTENCE AND THE SHORTER ALABAMA SENTENCE, WHICH IS CONCURRENT WITH EACH OTHER, ALABAMA SENTENCE WILL EXPIRE YEARS PRIOR THAN THE GEORGIA SENTENCE. PLAINTIFF UNDER GEORGIA LAW IS NOT ELIGIBLE FOR ANY EARLY RELEASE.

2. SUBSTANTIAL THREAT OF IRREPARABLE INJURY WITHOUT INJUNCTION

A ACTIVE DETAINER ON FILE WITH GEORGIA DEPARTMENT OF CORRECTIONS AGAINST PLAINTIFF PROVIDES A NEGATIVE PERCEPTION TO STAFF. ALSO IT SERVES AS A NEGATIVE MEASURE WHEN CALCULATING PLAINTIFFS SECURITY STATUS. SECURITY STATUS IS REFERENCED WHEN STAFF CONSIDERS PLAINTIFF FOR ANY PRIVILEGES SUCH AS; JOBS OUTSIDE THE PRISON PERIMETER, TEMPORARY RELEASE OR STAFF ESCORT TO ATTEND FUNERALS OF FAMILY MEMBERS, SEGREGATION AND GENERAL POPULATION ASSIGNMENTS AND INSTITUTIONAL ASSIGNMENTS ETC.

PLAINTIFF IS CURRENTLY IN SEGREGATION FROM GENERAL POPULATION AND WISHES TO TRANSFER TO ANOTHER GEORGIA FACILITY. THE ACTIVE ALABAMA DETAINER MAKES THAT TRANSFER INVALID. THE ALABAMA DETAINER SERVES NO EFFECT OTHER THAN A NEGATIVE PERCEPTION TOOL AND SAID HARM IS IRREPARABLE UNLESS DETAINER IS REMOVED.

3. HARM TO PLAINTIFF OUTWEIGHS HARM TO NON-MOVING PARTY

DEFENDANT HAS NO INTEREST IN THE EXISTENCE OF DETAINER RELATED TO EFFECT. ALABAMA SENTENCE EXPIRES JULY 2009. GEORGIA SENTENCE EXPIRES OCTOBER 2020. CLEARLY WITH NO OPPORTUNITY FOR PLAINTIFF ON EARLY RELEASE, THE HARM IS SOLELY APPLIED TO PLAINTIFF, NOT WITHSTANDING THE ALABAMA CIRCUIT COURT SENTENCING ORDER STATING, "IF PLAINTIFF IS RELEASED, HE IS ORDERED TO REPORT TO MONTGOMERY COUNTY ALABAMA PROBATION DEPARTMENT WITHIN 24 HOURS. THE HARM APPLIED IS OVERWEIGHING TOWARD PLAINTIFF.

4. INJUNCTION WOULD BE IN THE INTEREST OF PUBLIC

GIVEN PLAINTIFFS LENGTHY SENTENCE AND EFFECT INCARCERATION HAS HAD ON PLAINTIFF, A VERY SLIM LIKELIHOOD EXIST THAT PLAINTIFF WILL PARTICIPATE IN ANY FURTHER CRIMINAL MISCHIEF. THE PUBLIC IS PROTECTED AND IT'S IN THE BEST INTEREST OF THE PUBLIC THAT FUNDAMENTAL FAIRNESS IS APPLIED AND THE STATE IS IN LINE WITH LOCAL, STATE, AND FEDERAL LAW.

IN SUM, THE CORRESPONDING OBJECTIONS ARE IN LINE WITH COURT'S ORDER AND PRESENTED FOR ACCEPTION AND APPLICABILITY AS TO PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION.

CONCLUSION

PLAINTIFF RECOMMENDS THAT THIS COURT CONSIDER FACTS HEREIN AND THEREFORE GRANT PLAINTIFF PRELIMINARY INJUNCTION.

Respectfully Submitted,
Alonzo MOREFIELD, JR.
PLAINTIFF, PRO SE

BY: Alonzo Morefield Jr.

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THE FOREGOING HAS BEEN SERVED ON DEFENDANT BY PLACING THE SAME IN U.S. MAIL POSTAGE THEREON ADDRESSED TO: ALABAMA ATTORNEY GENERALS OFFICE, 11 SOUTH UNION, MONTGOMERY, AL. 36130-0152. THIS 8th DAY OF FEBRUARY, 2007.

Alonzo Morefield Jr.

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 ALABAMA STATE PRISON MAIL ROOM 2-8-07
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 COMPLIANCE.

DEBRA J. HACKETT, Clerk
 U.S. DISTRICT COURT
 MIDDLE DISTRICT OF ALABAMA
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